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09/932,671	08/17/2001	Christopher John Marshall	2001-01	5047

7590

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EXAMINER

BURNHAM, SARAH C

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/932,671

Applicant(s)

MARSHALL, CHRISTOPHER  
JOHN

Examiner

Sarah C. Burnham

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2, 7, 8, 10, 15, 16 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 9 and 11-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 2, 7, 8, 10, 15, 16 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

***Information Disclosure Statement***

2. The information referred to in the information disclosure statements filed on August 17, 2001 and November 9, 2001 has been considered as to the merits.

***Drawings***

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1, 3-6, 9, 11-14 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following words/phrases lack sufficient antecedent basis:

- "the interior seat" (claim 1, line 1; claim 11, line 1; claim 17, line 1)
- "the lateral confinement" (claim 1, lines 8-9; claim 9, line 2; claim 11, lines 8-9; claim 18, line 3)
- "the perimeter" (claim 1, line 11; claim 5, line 4; claim 11, line 12; claim 17, line 10)
- "the base" (claim 1, line 14; claim 13, line 2)
- "the foot well" (claim 17, line 2)

Claims 3, 4, 6, 12, 14 and 19 are rejected as being dependent upon a rejected base claim.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4, 5, 9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaudet et al. (5,549,353). Gaudet et al. reveals a car seat mat (10) with a conformal surface (12). Conformal surface (12) has a horizontal portion (18) with a lateral dimension (width of horizontal portion 18) that conforms to a seat surface. Additionally, conformal surface (12) has a vertical portion (24) with a longitudinal dimension (height of vertical portion 24) that conforms to a vertical foot well surface. Gaudet et al. also reveals a flange (25), a containment area (space lying between

flanges 25) and a pass-through (22). A second flange (14) maintains the integrity of containment area (space lying between flanges 25) with respect to pass through (22) as shown in Figure 3. Car seat mat (10) is made of "a suitable thermoplastic material" (column 1, lines 22-23).

Gaudet et al. does not explicitly teach flanges that extend outwardly *at least one inch* from said conformal surface or a lateral dimension that extends beyond the lateral confinement of said safety seat by *at least 3 inches*.

Applicant does not reveal the criticality of the 1-inch dimension for either flange (first flange, extending around a perimeter of the mat; second flange, extending around a perimeter of the pass-through) or the criticality of the 3-inch extension of the lateral dimension beyond the conformal surface of the safety seat. Therefore, it is of the examiner's opinion, that both the 1-inch dimension of the flanges and the 3-inch extension of the lateral dimension beyond the lateral confinement of the safety seat is a matter of design choice.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to require that the outwardly extending dimension of flanges (25) and (14) to measure at least 1-inch and to require the lateral dimension (width horizontal portion 18) to extend at least 3-inches beyond the lateral confinement of the safety seat. Such a requirement for the flanges would ensure the prevention of "accidental spills-overs of liquid from the mat top surface (24) laterally outwardly therefrom" (column 4, lines 34-36). Such a requirement for the lateral dimension (width of horizontal portion

18) would ensure that spills originating from a child's hand hanging over the side of the safety seat would land within the conformal surface of the mat.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaudet et al. (5,549,353) as applied to claim 1 above, and further in view of Conte (6,276,752). As disclosed above, Gaudet et al. reveals all claimed elements with the exception of a device that is foldable.

Conte shows a protective container for motor vehicle seating (10) that is "formed of a material that is flexible enough to allow [it] to be folded ... for storage" (column 4, lines 52-54).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to substitute the material used by Gaudet et al. with the foldable material taught by Conte. Such a modification would allow for the construction of a device that is capable of being folded in order to minimize the required storage space.

9. Claims 6, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaudet et al. (5,549,353) as applied to claims 1 and 11 above, and further in view of Watson et al. (5,120,108). As disclosed above, Gaudet et al. shows all claimed elements except a horizontal portion that conforms to a horizontal foot well surface.

Watson et al. (5,120,108) teaches a horizontal portion (22) that conforms to foot well surface in order to protecting the floor.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to add the horizontal portion (22) taught by Watson et al. to the bottom edge of the car seat protector (10) taught by Gaudet et al. Such a modification would extend the protection provided the Gaudet et al. device beyond the vehicle seat to include the vehicle floor.

10. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaudet et al. (5,549,353) and Watson et al. (5,120,108) as applied to claims 11 and 17 above, and further in view of Neufeld (4,728,151). As disclosed above, Gaudet et al. and Watson et al. show all claimed elements with the exception of explicitly teaching a device that is capable of containing more than one half liter of liquid.

Neufeld reveals a child's feet receiving device for use on a vehicle seat. The dimensions of the device are 11 inches in width (column 3, line 10), 5 inches in depth (column 3, line 14) and 3 inches in height (column 3, line 24). The volume of the containment area revealed by Neufeld therefore equals 165 cubic inches ( $11 \times 5 \times 3 = 165$ ), which is equal to approximately 2.7 liters ( $61.02 \text{ cubic inches} = 1 \text{ liter}$ ).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the dimensions taught by Neufeld in the construction of the seat protecting devices shown by Gaudet et al. and Watson et al. The specification of such dimensions would provide "a sufficient channel for liquid running off the surface to communicate it toward the ground" (column 3, line 24-25).

**Conclusion**


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following two patents show devices that receive child car seats with a seat belt pass through and outwardly extending flanges.

- Cone, II (6,000,753)
- Cone, II (5,567,008)

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600

SCB  
October 21, 2002